

APPROVED

DPC meeting 4/12

27/3/12

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 4th meeting of 2012 of the Development and Planning Commission held at the Charles Hunt room, John Mackintosh Hall, on 27th March 2012 at 09.30 am.

- Present:
- The P Origo (Chairman)
(Town Planner)

 - The Hon Dr J Garcia (DCM)
(Deputy Chief Minister)

 - The Hon Dr J Cortes (MEH)
(Minister for Environment & Health)

 - Mr G Matto (GM)
(Senior Architect)

 - Mr J Collado (JC)
(Land Property Services Ltd)

 - Mr R Labrador (RL)
(Gibraltar Heritage Trust)

 - Mr M Gil (MG)
(Chief Technical Officer)

 - Dr K Bensusan (KB)
(Gibraltar Ornithological & Natural History Society)

 - Mrs J Howitt (JH)
(Environmental Safety Group)
- In Attendance:
- Mr P Naughton-Rumbo (Executive Officer) (DTP)
(Deputy Town Planner)

 - Mr E Francis
(Secretary)
- Apologies:
- Mr J Purser (JP)
(Defence Land Agent, Rep Commander British Forces)

 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)
- Absent:
- Mr C Viagas (CV)
(Heritage & Cultural Agency)

Approval of Minutes

165/12 - Approval of the Minutes of the 3rd Meeting held on the 23rd February 2012.

The Commission approved the Minutes of the 3rd meeting of 2012 held on 23rd February 2012 subject to the following amendment (in bold).

Minute 113/12 (page 3) – 10th Paragraph

Mr Pasc explained that sullage was considered highly flammable and a spark could ignite its fumes. Marine Lubricants could only ignite on reaching a temperature of 195 degrees. He added that the intake had been taken into account and assured the Commission that they would address all issues and concerns raised **by the Development & Planning Commission.**

Presentation

166/12 - BA12005 - 2&3 Kavanagh's Court & 81 Prince Edward's Road - Proposed multi storey car park and one 4 bedroom house.

The Commission welcomed Mr E Macquisten (EM), who submitted an objection to this application, and invited him to address the Commission.

EM wished to record that the letter sent by Town Planning dated 09/03/12, was delivered and post marked on 26/03/12.

EM stated that the applicant had initially said that he would be discussing the plans with him however this had never materialised.

EM explained to the Commission his reasons for objecting to this development highlighting his concerns as to the loss of natural light, increase in noise and air pollution whilst the development was on-going and once the proposed car-park was operating, this he explained would also be detrimental to his son's health as he suffered from asthma.

EM explained that he was not against the development of this area but would rather that it be kept for residential use and in keeping with the character of the surrounding area which consisted of residential properties which had recently been renovated and refurbished.

There being no questions from the Commission the Chairman thanked EM for his presentation.

The Commission welcomed Mrs E Chaplin (EC), who had submitted an objection to this application, and invited her to address the Commission.

EC stated that she agreed with EC and also expressed her concerns at the loss of natural light, increase in noise and air pollution whilst the development was on-going and once the proposed car-park was operating. EC claimed that whilst the site notice says 3 storeys the actual plans show 4 storeys.

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There being no questions from the Commission the Chairman thanked EC.

The Commission welcomed Mr S Lees (SL), who had submitted an objection to this application, and invited him to address the Commission.

SL expressed his concerns and objections to the Commission highlighting that if approved this project would not be in character with the area and would be converting a residential area into commercial use this he explained would be detrimental to an area which had heritage value and which consisted of properties which had recently been renovated with a significant improvement to the area.

SL added that 6/8 Morello's Ramp had originally gone out to tender for residential use, however it now formed part of the car park proposal.

JMC clarified that the applicant had included this in his proposal however the Government as landlord, had not yet given any approval for this alternative use of the site..

There being no questions from the Commission the Chairman thanked SL

167/12 - BA11979 - North Entrance, Ocean Village – Proposed access road (controlled access), surface treatment and landscaping.

The Commission welcomed Mr E Ellul (EE), who was representing Mr & Mrs Leay, who had submitted an objection to this application, and invited him to address the Commission.

EE explained to the Commission that his clients lived on the 1st floor of Tradewinds overlooking the access road and were having to endure the nuisance caused by the vehicular traffic along the access road.

EE said that Mr Leay had purchased this property on the grounds that the access road was a pedestrian area. EE produced a letter from the Town Planner to Taylor Woodrow which stated that no access to for delivery vehicles would be allowed through this area.

EE tabled some photographs showing the access road being used by delivery vehicles.

There being no questions from the Commission the Chairman thanked EE.

The Commission welcomed Mrs Ros Astengo (RA) on behalf of the applicants.

RA said that different delivery schemes had been tested but none had proved successful and caused problems ranging from inefficient deliveries to health and safety issues. RA added that the intention was to issue access permits to commercial users only who would have to adhere to strict conditions which would include the policing of the area. Any breach would result in the withdrawal of the permit.

MEH asked how Ocean Village would police the area.

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RA said that the intention was to install CCTV and employ extra staff.
GM pointed out that the initial plans for Ocean Village showed this area as pedestrian usage.

RA stated that she was not aware of this.

The Chairman confirmed what GM was saying and asked whether it was the intention to restrict vehicular traffic during certain hours.

RAS said that there would be no time restrictions as this would only cause further disruption to deliveries and create more volume of traffic during the permitted times.

The Chairman asked whether the intention was to allow 24 hour access.

RA replied that this was the idea.

There being no questions from the Commission the Chairman thanked RA.

Matters Arising

168/12 - BA11736 - FP1052/1053, 4 Cumberland Steps – Proposed refurbishment and alteration and new apartment floor.

This application was carried forward pending a response from the applicants.

169/12 - BA11870 - Mumtaz, 20 Cornwall's Lane – Proposed retractable awning

This application was carried forward pending a response from the applicants

170/12 - BA11891 – Outline - 1C/1 Maida Vale, Engineer Road – Proposed Outline application refurbishment & extension to terraced house.

DTP informed the Commission that it had been confirmed that the responsibility for the retaining wall belonged to the applicant and it was situated at a distance of some 2m from the road. As a result of this Technical Services had withdrawn its objection.

The Commission noted the objections that had been received but considered that on balance they would not make matters any worse and did not justify a refusal. The application was approved.

171/12 – BA11924 - GibOil Yacht Petrol Terminal, Waterport Wharf – Proposed refurbishment and extension to shop.

DTP informed the Commission that the Royal Gibraltar Police, Port Authority & Immigration Office had been consulted and all had stated that there had to be a physical separation between sea-side and land-side.

DTP recommended that a condition be included requiring the applicant to have said separation.

The Commission agreed with DTP and approved the application subject to the submission of revised plans in compliance with the above.

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172/12 - BA11925 - 14 Mount Road – Outline application to demolish existing house and construct two houses.

DTP informed that Commission that the applicant had revised the scheme and had removed 1 storey and reduced the footprint by 20%. The new scheme would be set back further thereby retaining the trees along the lane. The revisions tried to accommodate the objections received as recorded in the last meeting.

DTP also said that the Structural Engineer had confirmed that the development could be possible subject to no additional load being placed on the retaining wall.

MEH expressed his concern to the closeness of the building to the trees.

RL stated that the concern of the Heritage Trust was that the character of the area was being lost.

The Chairman pointed out that there already existed many different architectural styles in this area.

DCM said that the revised scheme was an improvement to the previous scheme but asked whether it was the right type of architectural scheme for the area.

The Commission considered this application and took a vote with the following result;

4 votes in favour
4 abstentions

The Commission approved this application.

**173/12 - BA11966 - FP 292, Flat 6. 1 College Lane – Proposed alterations to roof.
Awaiting submission of in context elevations/photomontage.**

This application was carried forward pending a response from the applicants.

174/12 - BA11988 - CP1244, 33b Wellington Cottage – Proposed construction of path and car port.

DTP reported that two site meetings had been held firstly with representatives from Department of the Environment and GONHS and secondly with Members of the Commission. It had been confirmed that there should be no loss of trees (although the car port was very close to one tree) but that some shrubbery would need to be cleared to allow for the footpath.

DTP explained that the applicant had been previously granted approval to another scheme which allowed him to construct a 1.2m wide path from the southern side of his property which would enable him to access his property. This option would also mean that the applicant would have direct access to his existing garage situated south of his property. However the applicant had appealed this decision on the basis that he wanted width of 1.5m.

DTP reported that objections had been received form adjoining resident objection to the loss of amenity to the historical gardens of the Buena Vista Cottage.

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The Commission was informed that GOG would be constructing a footpath along Europa Road which would also offer an alternative route. JH added that with the forthcoming commissioning of the dementia unit there was an urgent need for this footpath.

DTP stated that the proposed scheme would have an impact on the garden of the adjacent property and that the proximity of the car port to the existing terrace of Buena Vista Cottage would have a negative impact on the amenities of its residents.

The Commission rejected this application on the grounds that this would have a negative impact on the adjacent garden and on the grounds that there was already a previously approved scheme and the GOG proposed footpath along Europa Road afforded the applicant safe means of access to his properties.

Major Developments

175/12 - BA12005 - 2&3 Kavanagh's Court & 81 Prince Edward's Road - Proposed multi storey car park and one 4 bedroom house.

DTP explained to the Commission that this application consisted of the construction of a multi-storey car park with a capacity of spaces for 60 cars and 32 motorbikes. It also includes a two storey residential unit with rooftop garden and pool. The proposal is of a contemporary design which does not copy the adjacent property.

DTP added that 5 objections had been received on the grounds that the scheme was out of character, massing & height, right to light, health & safety, traffic accumulation and traffic flow hindrance as not enough waiting area had been included and change of use.

The Commission were also informed that the applicant had been requested by a tenant of the area if the development could be set back slightly along Morello's Ramp in order to widen it slightly. The applicant had refused this request.

JH asked if there were details or drawings in respect of the other elevations. JH added that the applicant needed to submit further details such as reason for demolition, expected traffic usage and reason for contemporary design.

DTP said that these had not yet been submitted.

The Chairman stated that the demolition had commenced without authorisation from the Commission. The applicant had commenced on the grounds that the Environmental Agency had complained about the state of the building. The demolition had been stopped by the Town Planning & Building Control Department.

RL said that the Trust is concerned with the situation where properties are being allowed to deteriorate in order to hasten demolition. He added that the Trust is against this proposal as it felt that it would be detrimental to the area.

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GM said that this proposal would represent a loss of amenities as it would mean a reduction in housing stock.

DTP said that no objections had been received from the Traffic Commission.

DCM stated that he was concerned with the massing of the proposal and felt that the style was out of character with the area. He said that the applicant should redesign this proposal.

MEH said that he was also concerned with the design and would rather that this area be retained as residential.

The Chairman said that the proposal could be designed in a way which hides the fact that it is a car park.

GM said that if allowed it would be contradictory to the policy of urban renewal.

MEH agreed with GM.

The Chairman explained that the Commission had to give consideration to traffic, architecture, design, density, massing, effects on the character of the area and health & safety issues.

The Commission rejected this application on the basis that its design would be out of character with the area, traffic, architecture, design, density, massing, effects on the character of the area and health & safety issues and that this would represent a loss of residential stock and would not comply with the planning policy.

Other Developments

176/12 - BA11569 - 2 Casemates House, Casemates Square – Proposed restaurant conversion and internal alterations - Proposed sign

The Commission rejected this application on the basis that the proposal departed from the well established policy of limiting signage at Casemates House to the standardised design.

177/12 - BA11664 - 13/14 Europa Mews – Application for relaxation of building regulations in respect of handrail on staircase.

The Commission approved this application on the recommendations received from the Building Control Officer.

178/12 - BA11850 - 18 George's Lane – Proposed alterations, refurbishment and extension.

DTP advised that a site meeting for members had been arranged and that three members had attended.

DTP explained that this proposal includes plans to construct a garage. This has been objected to by the Traffic Commission as the building is located in a traffic restricted area. It has also been proposed to create balconies on the 1st and 2nd floors.

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RL said that the Trust was objecting to the garage on the grounds that it would alter the façade of the building.

The Chairman added that the garage is a problem due to traffic issues.

MG was concerned with the 1st floor balconies as he felt that these would not have the necessary clearance from the road level.

GM asked whether DPC could request the applicant to replace the shutters with timber.

DTP pointed out that all the shutters were currently aluminum. Therefore under DPC policy he was not be required to replace with timber.

JMC felt that it would be unfair to ask this of the applicant.

MG agreed with JMC.

The Commission noted the objections from the resident of No 16 but considered that any impact would not be of such magnitude to justify a refusal.

The Commission noted that the proposed additional storey at the rear would be in close proximity to existing windows and a light well to the east. In the context of the dense nature of the Old Town it was considered that the proposal would be acceptable.

The Commission approved the application but did not approve the construction of the garage and the 1st floor balcony on the grounds that there were objections from the traffic Commission to the introduction of garages within the pedestrianised zone and the 1st floor balcony because it did not provide the minimum headroom.

❖ MEH and MG apologised to the Commission as they had to leave for another meeting.

178/12 - BA11979 - North Entrance, Ocean Village – Proposed access road (controlled access), surface treatment and landscaping.

DTP explained that there was no condition in any planning permit issued that required that this area be a pedestrian zone. He also explained that it never formed part of the original permit for the Ocean Village Resort/Royal Ocean Plaza as at that time the site boundary was shown as being immediately adjacent to the north faced of ROP. It was only later that the applicant discovered that the site boundary was actually further north.

GM said that there could be other alternatives such as the use of the rear access for delivery vehicles and the use of the garage by taxis.

JH expressed her concerns at the 24 hour joint use of the area by pedestrians and vehicles and the health & safety issues that would arise as a result of this.

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Mr Neil Crawford (NC) of Ocean Village, who was present at the meeting, was asked by DCM what time frame had been tried for commercial vehicles.

NC said that they had tried the same times as Main Street but this caused major traffic and delivery problems.

GM asked NC whether it would be possible to open a pedestrian entrance on the northern side of the garage to enable taxis to collect and drop off passengers.

NC said that this had security implications as people would then use the garage as a shortcut through the area. This had happened before when vehicles could exit the garage through this side. DTP advised the Commission that this possibility had been explored previously at the request of the Commission but that it was not viable as the management company had raised strong objections to the use of the garage as a through route on security and safety grounds.

JMC stated that no matter what area was considered the issues would always be the same noise pollution and traffic congestion.

The Chairman suggested that time restrictions should be imposed.

JH said that she was against there being 24 hour vehicle access. She suggested that a cut off time for deliveries be included as a condition.

The Commission considered this application and took a vote with the following result.

4 votes in favour
1 vote against
1 abstention

The application was therefore approved. However the Commission agreed that a cut off time for deliveries of 18:00 hrs would be included as a condition.

179/12 - BA11989 -1 Rosia Parade – Proposed internal alterations and construction of swimming pool.

DTP said that the Heritage Agency had objected to the conversion of the windows as it would have an effect on the integrity of the property.

RL said that the Heritage Trust had no objection to this conversion.

The Commission approved this application subject to the normal standard conditions on the timber framed shutters & windows and the protection of the trees from the design of the pool.

180/12 - BA11992 - Mount Pleasant, South Barrack's Road – Proposed new electrical substation.

DCM declared an interest as Chairman of Gibtelecom and did not participate in this discussion.

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DTP explained that a neighbour had objected on the grounds that there would noise and fume pollution as a result of this substation. DTP added that the applicant had explained that this would not occur as it is an electrical substation accommodating only electrical equipment.

The Commission approved this application.

181/12 - BA11997 - Mid Harbour Estate – Proposed new exchange and generator room

DCM declared an interest as Chairman of Gibtelecom and did not participate in this discussion.

The Commission approved this application.

182/12 - BA12000 - 32 Somerset Court. Laguna Estate – Proposed refurbishment of retail unit, including external canopy, security shutters, for convenience store including take-away.

The Commission approved this application. The applicant was conditioned to the installation of open security shutters and the painting of the building. No representations had been received.

183/12 - BA12003 - The Cafeteria Site, Europa Point – Proposed fitting out as cafeteria.

JMC stated that this unit could only be a cafeteria and not a convenience store as the sign stated.

The Commission approved the fitting out as a cafeteria but rejected the top sign and the use of the word convenience store on the following grounds: that it was out of character, the convenience store was not the permitted main use but an ancillary use to the main use as a cafeteria and it is considered inappropriate to have slogans on the sign. No representations had been received.

184/12 - BA12007 - 213 Rosia Plaza – Proposed alterations to facade by conversion of two arches into one.

The Commission rejected this application as it would have a detrimental affect on the uniform design of the façade.

185/12 - BA12009 - Units 2-8 Ocean Village Promenade – Subdivision of shop into three.

The Commission approved this application subject to the inclusion of service doors/ areas for each of the units.

186/12 - BA12010 - 9/8 Naval Hospital Hill – Proposed pool, decking, retaining wall and landscaping.

JMC suggested that the applicant should not be allowed to erect a fence along the road side as this would have a detrimental effect on the views from the road.

The Commission agreed with this and instructed the Town Planner to inform the applicant.

The Commission approved this application subject to the lower terrace area being grassed and not decked. No representations had been received.

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187/12 - BA12013 - 7A Cornwall's Parade – Proposed internal refurbishment of existing cafeteria for use as retail/cafe, new sign content.

DTP informed the Commission that Technical Services Department (TSD) had objected to the disabled ramp as it projected on to the public highway. DTP explained that the Commission only normally allowed external ramps where there was insufficient internal space to accommodate a ramp. This did not apply in this case.

The Commission approved this application subject to the ramp being constructed within the premises.

188/12 - BA12014 - CP1136, 1 South Pavilion Road – Proposed pool following grant of outline permission.

The Commission approved this application.

189/12 - BA12021 - 40 Europa Road – Proposed new wall, pavement and temporary use of wall for advertising.

The Commission rejected this application on the grounds that the proposed solid wall would obscure all views through the site and that this would have a detrimental effect on the character of the area.

190/12 - BA12023 - 1 Cumulus House, Tradewinds – Proposed brise soleil to terrace.

The Commission rejected this application on the grounds that the proposal would have a detrimental effect on the architectural character of the building.

191/12 - BA12025 - 3 Irish Place – Proposed internal alterations to 3rd floor apartment and enclosure of terrace.

The Commission rejected this application. It was considered that the proposed fenestration to the enclosed terrace would not be in keeping with the overall façade.

192/12 - BA12027 - Units 2-4 Ocean Village Promenade, Ocean Village – Proposed fit out and change of use to insurance services and yacht registration.

The Commission approved this application.

193/12 - BA12029 - Former Overseas Motors, 9 Glacis Road – Proposed conversion of part of ex car showroom to indoor golf centre.

The Commission approved this application. No representations had been received.

194/12 - BA12031 - Unit C (Mama Mia), Boyd Street – Proposed boundary wall to terrace area with canopy over.

DTP explained that the Commission had previously granted permission for the rear deck area with conditions that no permanent structures be erected.

The Commission approved this application, but requested that the applicant use brickwork which is the same or at least similar to the adjacent building.

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195/12 - BA12038 - Unit 21, Sail 3, Ocean Village – proposed sub division of bar/restaurant into 2 separate bar/restaurants.

The Commission approved the sub-division subject to all the A/C units and refuse being enclosed.

196/12 - Ref1281/46 - RGYC Club house, Coaling Island – Proposed boundary wall.

The Commission recommended that no boundary wall should be erected as this would be contrary to the policy aim of opening up the waterfront for the general public.

Minor Works – not within scope of delegated powers

197/12 - BA11430 - Outline-5, 7 ,&9 Town Range and 29-31 Governor’s Parade – Proposed conversion to hotel – Request for extension to period off validity.

The Commission approved the renewal of this permission.

198/12 - BA11999 - 15 Horse Barrack Lane – Proposed change of use from retail to store.

The Commission rejected the request to change the use on the grounds that wholesale would attract more vehicular traffic to an already congested area along Cornwall’s Lane and the loss of a retail use contrary to planning policy.

199/12 - BA12002 - Natwest Bank, 55 Line Wall Road – Proposed placement of planters on footpath.

The Commission approved this application subject to the recommendations from the highways authorities.

200/12 - BA12004 - Ex Tahiti Bar, Ocean Village – Proposed sunshade canopies.

The Commission approved this application subject to no downsides being installed.

201/12 - BA12006 - 2 Ordnance Wharf – Proposed conversion of roof space for storage, skylight and utility room to rear of garage.

The Commission approved this application.

202/12 - BA12015 - Apt 33, The Anchorage, Rosia Road – Proposed Brise Soleil

The Commission approved this application.

203/12 - BA12016 - 16 South Barrack Road – Proposed cladding to dwelling

RL said that the Heritage Trust was objecting to this application.

The Commission rejected this application on the grounds that the proposal was out of character.

204/12 - BA12028 - 3 Sunset Close, Windmill Hill Road – Proposed pergola

The Commission approved this application. The Commission also agreed that any future similar requests would be dealt with by the sub-committee.

205/12 - BA12030 - Hawthorn Lodge, Montagu Gardens Estate – Proposed relocation of existing fire exit

The Commission approved this application.

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206/12 - BA12039 - Flat 4, 3 Serfaty's Passage – proposed internal alterations to convert 1-bed flat into 2-bed flat.

The Commission approved this application.

207/12 - BA12041 - 4 Cornwall's Parade – Proposed change of use from bar/restaurant to hairdresser and associated works.

The Commission approved this application.

208/12 - Ref11969 - 20A Engineer Lane – Bean Café – Application for table and chairs and sandwich boards

The Commission rejected the placing of a sandwich board at the Main Street junction as this was not in line with the long established policy of only permitting such boards where the premises lies within 20m of Main Street. The Commission approved the proposal for tables and chairs on the highway within the area being suggested and subject to no adverse comments from the Highway authority and Traffic Commission. No representations had been received.

Applications granted permission by sub-committee under delegated powers (For information only)

209/12 - BA12012 - Apt. 36&47 Cormorant Wharf- Conversion of two units into one.

The Commission noted the approval granted by the sub-committee.

210/12 - BA11220 - 6-22 Turnbull's Lane & 1-3 Engineer Lane: Application to renew Outline planning permission.

The Commission noted the approval granted by the sub-committee.

211/12 - BA11515 – Outline - CP17A Casemates House, Casemates Square – proposed additional floor for office use.

The Commission noted the approval granted by the sub-committee.

212/12 - BA11982 - Tisa House, 143 Main Street – Proposed internal alterations to office.

The Commission noted the approval granted by the sub-committee.

213/12 - BA11985 - 607 Nelson's View – Proposed internal alterations.

The Commission noted the approval granted by the sub-committee.

214/12 - BA11987 - 334 Watergardens – proposed internal alterations.

The Commission noted the approval granted by the sub-committee.

215/12 - BA11994 - 101 Bayview Terrace, Rosia Road – Proposed internal alterations.

The Commission noted the approval granted by the sub-committee.

216/12 - BA11995 - 5A/7 Rodger's Road – proposed internal alterations.

The Commission noted the approval granted by the sub-committee.

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217/12 - BA11996 - 13/11 Lynch's Lane - Proposed internal alterations

The Commission noted the approval granted by the sub-committee.

218/12 - BA11998 - 2nd Floor, Regal House – proposed office changes and externally mounted screened air condition units.

The Commission noted the approval granted by the sub-committee.

219/12 - BA12008 - 23 Admiral's Place, Naval Hospital Road. Loft Conversion.

The Commission noted the approval granted by the sub-committee.

220/12 - BA12011 - 120 Peninsular Heights – Proposed glass curtains to balcony.

The Commission noted the approval granted by the sub-committee.

221/12 - BA12020 - 20 Line Wall Road – Proposed internal changes to car showroom offices.

The Commission noted the approval granted by the sub-committee.

Any Other Business

222/12 – Monteverde Trade Licence – Catalan Bay

JH said that some residents of the area of Catalan Bay had approached her in respect of a trade license application in respect of the storage of waste by Monteverde Co Ltd. JH asked whether planning permission was required.

The Chairman said that he would look into this.

223/12 – Next Meeting

The Commission agreed to next meet on 26th April 2012 at 09:30 hrs.